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January 12, 2023

VIA ELECTRONIC MAIL AND CERTIFIED MAIL

CDC/ATSDR
Attn: FOIA Office, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), Hogan Lovells US LLP (“Hogan Lovells”) requests information, as described in detail further below, from the Agency for Toxic Substances and Disease Registry (“ATSDR”), relating to ethylene oxide.

Specifically, we request all records and information for the last 10 years relating to the following:

1. All documents relating to the “Toxicological Profile for Ethylene Oxide,” which is accessible at <https://www.atsdr.cdc.gov/toxprofiles/tp137.pdf>, including:
 - a. The underlying data on which the statements in this document are based; and
 - b. Any related studies or analysis.
2. All documents relating to the “ATSDR Clinician Brief: Ethylene Oxide,” which is accessible at https://www.atsdr.cdc.gov/emes/health_professionals/clinician-brief-ethylene-oxide_info.html, including:
 - a. The underlying data on which the statements in this document are based; and
 - b. Any related studies or analysis.

3. All studies which relate to any conclusion by ATSDR with respect to ethylene oxide, including:
 - a. Epidemiology studies;
 - b. Toxicology studies;
 - c. Studies that contradict any conclusions reached by ATSDR;
 - d. Studies that support any conclusions reached by ATSDR; and
 - e. Papers with comparisons of risk in relation to endogenous production.
4. All documents which relate to statements made by ATSDR regarding ethylene oxide, including online statements.
5. Any communications between ATSDR and any other federal agency relating to ethylene oxide, including:
 - a. The Centers for Disease Control and Prevention;
 - b. The Occupational Safety and Health Administration;
 - c. The Food and Drug Administration;
 - d. The Environmental Protection Agency; and
 - e. The US Department of Health and Human Services.
6. All communications between ATSDR and any state regulatory agency relating to ethylene oxide.
7. All records related to ethylene oxide that ATSDR previously produced in response to other FOIA requests.

Please note that these requests are not asking ATSDR to conduct new research and are only asking for ATSDR records that are within ATSDR's possession. This FOIA request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request. With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), we request that responsive documents be provided electronically in text-searchable, static-image format (PDF), in the best image quality in the agency's possession. We further request that reasonable metadata be transmitted along with responsive documents, including but not limited to email attachments, author and recipient information, date and time stamps, and the like. All requests for documents or records include requests for any written materials, any communications in any format, any digital information, any physical or electronic media, and any recordings, including audio and visual records. Communications include anything

that communicates information, including emails, text messages, reports, correspondence and electronic files that communicate information.

We believe that these records are not exempt from disclosure. If ATSDR should deny access to any records covered by this request, however, please describe in detail each of those records and specify the statutory basis claimed for denial as well as any reasons for asserting that claim. Specifically, please provide an exemption log identifying each document for which the exemption is claimed, together with the following information: date, sender, recipient, type (e.g. letter, memorandum, telegram, chart, photograph, etc.), subject matter of the document, the basis on which exemption is claimed, and the paragraph or paragraphs of this request to which the document responds. As described above, FOIA provides that if only a portion of a record is exempt from release, all reasonably segregable portions shall be provided. Thus, if ATSDR asserts that a portion of a record that we have requested is exempt, please provide us with a copy of the remainder of the record and provide in the exemption log the information specified above for the portion being treated as exempt. If ATSDR asserts that the exempt portions cannot be reasonably redacted, please state in detail the reasons for that assertion.

Please provide the requested material at the earliest possible date, and, in any event, please provide as complete a response as possible to this request within the twenty (20) day period prescribed by FOIA. Please forward currently available records as soon as possible and others as they become available.

By codifying the presumption of openness through the FOIA Improvement Act of 2016, Congress has “put[] the force of law behind the notion that sunshine, not secrecy, is the default setting of our government.” *See* Con. Rec. S3825 (daily ed. June 13, 2016 (statement of Sen. Leahy)). We look forward to receiving your response to this Request itself within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i) and 43 C.F.R. § 216(a). We reserve the right to appeal a decision to withhold any information, or to deny expedited processing or a waiver or limitation of fees.

Please furnish all responsive records electronically to:

Cristi Lynn Cavazos
cristi.cavazos@hoganlovells.com

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'BJ' followed by a long, sweeping horizontal line that extends to the right.

Blake Jenkins

Senior Associate
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D 713-632-1448